UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RON SAGER, individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, a
Delaware corporation, SOUNDBITE
COMMUNICATIONS, INC., a Delaware
corporation,

Defendants

Case No. 12-CV-0197 /TO Y

STIPULATION AND []
ORDER SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:
Non-binding Arbitration (ADR L.R. 4)
Early Neutral Evaluation (ENE)   (ADR L.R. 5)
Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:
X   Private ADR (*please identify process and provider*) : <u>A private mediation session with Randy Wulff of Wulff, Quinby, and Sochynsky in Oakland, California.</u>

The parties agree to hold the ADR session by:
the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

X   other requested deadline <u>The Parties engaged in private mediation with Mr. Wulff on April 17, 2012.</u>

Dated: April 23, 2012   /s/ Sean Reis
                                          Attorney for Plaintiff Ron Sager

Dated: April 23, 2012   /s/ Jordan S. Yu
                                          Attorney for Defendant Bank of America
                                          Corp.

Dated: April 23, 2012   /s/ Mazda K. Anita
                                          Attorney for Defendant Soundbite
                                          Communications, Inc.

CONTINUE TO FOLLOWING PAGE

[] ORDER

Z   The parties' stipulation is adopted and IT IS SO ORDERED.
        The parties' stipulation is modified as follows, and IT IS SO ORDERED.

Dated:í ECF G

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UNITED STATES   JUDGE

When filing this document in ECF, please be sure to use the appropriate Docket Event, e.g., "Stipulation and Proposed Order Selecting Mediation."

Rev. 12/11